

National Science Foundation

Arlington, VA 22230

Conflict-of-Interests and Confidentiality Statement for NSF Panelists

Includes members of proposal review panels; site visitors; and committee of visitors.

1. Your Potential Conflicts of Interests.

Your designation as an NSF panelist requires that you be aware of potential conflict situations that may arise. Read the examples of potentially biasing affiliations or relationships listed on the second page or back of this form. As an NSF panelist, you will be asked to review applicant grant proposals. You might have a conflict with one or more. Should any conflict arise during your term, you must bring the matter to the attention of the NSF program officer who asked you to serve as a panelist. This official will determine how the matter should be handled and will tell you what further steps, if any, to take.

2. No Use of "Insider" Information.

If your designation gives you access to information not generally available to the public, you must not use that information for your personal benefit or make it available for the personal benefit of any other individual or organization. This is to be distinguished from the entirely appropriate general benefit of learning more about the Foundation, learning from other panel members, or becoming better acquainted with the state of a given discipline.

3. Your Obligation to Maintain the Confidentiality of Proposals and Applicants.

The Foundation receives proposals in confidence and protects the confidentiality of their contents. For this reason, you must not copy, quote, or otherwise use or disclose to anyone, including your graduate students or post-doctoral or research associates, any material from any proposal you are asked to review. If you believe a colleague can make a substantial contribution to the review, please obtain permission from the NSF program officer *before* disclosing either the contents of the proposal or the name of any applicant or principal investigator.

4. Confidentiality of the Review Process and Reviewer Names.

NSF keeps reviews and your identity as a reviewer of specific proposals confidential to the maximum extent possible, except that we routinely send to principal investigators (PIs) reviews of their own proposals without your name, affiliation, or other identifying information. Please respect the confidentiality of all principal investigators and of other reviewers. Do not disclose their identities, the relative assessments or rankings of proposals by a peer review panel, or other details about the peer review of proposals.

Unauthorized disclosure of any confidential information could subject you to sanctions.

YOUR CERTIFICATION

Your Potential Conflicts.

I have read the list of affiliations and relationships (on the back of this form) that could prevent my participation in matters involving such individuals or institutions. To the best of my knowledge, I have no affiliation or relationship that would prevent me from performing my panel duties. I understand that I must contact the NSF program officer if a conflict exists or arises during my service. I further understand that **I must sign and return this Conflict Statement to the program officer before I may serve.**

Maintaining the Confidentiality of Others.

I will not divulge or use any confidential information, described above, that I may become aware of during my service.

Your Identity as a Reviewer will be Kept Confidential (Does not apply to Committee of Visitors).

I understand my identity as a reviewer of specific proposals will be kept confidential to the maximum extent possible, except that copies of written reviews that I submit will be sent to the principal investigator(s) without my name and affiliation.

Member's Name (Please Print) _____

Member's Signature _____

DATE _____

Name of Panel _____

Directorate/Division: _____

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AS A PANELIST, PLEASE REVIEW THESE EXAMPLES OF POSSIBLE CONFLICTS PERIODICALLY DURING YOUR TENURE.

1. YOUR AFFILIATIONS WITH AN APPLICANT INSTITUTION.

You may have a conflict if you have/hold/are:

- ◆ *Current employment at the institution as a professor, adjunct professor, visiting professor, or similar position.*
- ◆ *Other current employment with the institution (such as consulting or an advisory arrangement).*
- ◆ *Previous employment with the institution within the last 12 months.*
- ◆ *Being considered for employment at the institution.*
- ◆ *Formal or informal reemployment arrangement with the institution.*
- ◆ *Ownership of securities of firms involved in the proposal or application.*
- ◆ *Current membership on a visiting committee or similar body at the institution. (This is a conflict only for proposals or applications that originate from the department, school, or facility that the visiting committee or similar body advises.)*
- ◆ *Any office, governing board membership, or relevant committee chairpersonship in the institution. (Ordinary membership in a professional society or association is not considered an office.)*
- ◆ *Current enrollment as a student. (Only a conflict for proposals or applications that originate from the department or school in which one is a student.)*
- ◆ *Received and retained an honorarium or award from the institution within the last 12 months.*

2. YOUR RELATIONSHIP WITH AN INVESTIGATOR, PROJECT DIRECTOR, OR OTHER PERSON WHO HAS A PERSONAL INTEREST IN THE PROPOSAL OR OTHER APPLICATION.

- ◆ *Known family relationship as spouse, child, sibling, or parent.*
- ◆ *Business or professional partnership.*
- ◆ *Past or present association as thesis advisor or thesis student.*
- ◆ *Collaboration on a project or on a book, article, report, or paper within the last 48 months.*
- ◆ *Co-editing of a journal, compendium, or conference proceedings within the last 24 months.*

3. YOUR OTHER AFFILIATIONS OR RELATIONSHIPS.

- ◆ *Interests of the following persons are to be treated as if they were yours: Any affiliation or relationship of your spouse, of your minor child, of a relative living in your immediate household or of anyone who is legally your partner that you are aware of, *that would be covered by any italicized items above.**
- ◆ *Other relationship, such as close personal friendship, that you think might tend to affect your judgment or be seen as doing so by a reasonable person familiar with the relationship.*

**NATIONAL SCIENCE FOUNDATION
OFFICE OF THE GENERAL COUNSEL**

Ethics Law Summary for NSF Panelists, Site Visitors, and COV Members

As an NSF proposal review panel member, site visitor, or committee of visitors member, you are considered to be a "special" Government employee while serving on a panel or site visit team. This is a summary of the major conflict-of-interest rules that apply to you as a special Government employee.¹ Some rules will inevitably be less relevant to your duties than others, but your careful adherence to the rules should foster public confidence that NSF review processes are not tainted by improper influences.

I. DISQUALIFICATIONS

A. Financial Interests: Absent an advance written waiver, a criminal statute bars your participation in your Government capacity in any particular matter, if you have a direct and predictable financial interest in the outcome; or if any of the following have direct and predictable financial interests in the outcome:

- * Your spouse, minor child, or business partner
- * An organization with which you are employed or affiliated as an officer, director, trustee, or partner
- * An organization with which you have an arrangement for future employment
- * An organization with which you are negotiating for future employment.

B. Other Relationships: Your impartiality may also be questioned in NSF matters involving entities or individuals with which you have affiliations or relationships, such as involvement of a close relative or recent former employer. Examples of potentially biasing affiliations or relationships are listed in NSF Form 1230P, "Conflict-of-Interests and Confidentiality Statement for NSF Panelists."

- * Questions about potential dispensations should be addressed to the NSF official in charge of your panel.

II. MISUSE OF POSITION

A. You must not use or disclose information not generally available to the public.

B. You must not use your NSF office or title for private gain (whether your own or another's).

III. REPRESENTATION

¹ For specific rules, see 18 USC 201-209, E. O. 12674 (as amended), 5 CFR Parts 26235 and 5301, and 45 CFR Part 680. This Summary assumes that you will not perform work for NSF on more than 60 days in any 365-day period. If you work for more than 60 days during any such period, you will become subject to additional restrictions; and you should contact the General Counsel's Office about them.

A criminal statute bars you from representing someone else before any Federal Government official on a matter involving specific parties, if you participated in that same matter as a panelist. The law also bars you from accepting compensation for such representation done by others.

IV. ACCEPTING GIFTS

A. While working for NSF, you cannot accept gifts offered to you because of your NSF position and you cannot solicit or accept gifts and favors from NSF grantees, contractors, applicants, or other entities having or seeking business ties with NSF (including organizations a majority of whose members fit in these categories).

B. Exceptions include: benefits resulting from your non-NSF business or employment activities (or those of your spouse), when it is clear that the benefits have not been offered or enhanced because of your Government status; gifts clearly motivated by family relationship or personal friendship; and items worth \$20 or less per occasion -- up to \$50 a year from any one source. These exceptions should not be abused.

V. FOREIGN GOVERNMENTS

A. While working for NSF, you may not accept employment with any foreign government or any gift from a foreign government or international organization worth more than \$285.²

B. While working for NSF, you may not serve as an agent of a foreign principal, as defined in the Foreign Agents Registration Act.

*For more information contact:
Charles S. Brown, Assistant General Counsel
4201 Wilson Boulevard, Room 1265
Arlington, VA 22230
703 306 1060 / csbrown@nsf.gov*

² You should contact the General Counsel's Office about exceptions that may apply to the acceptance of certain foreign gifts.